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BOOK REVIEWS

FOLKLORE IN THE OLD TESTAMENT. STUDIES IN COMPARATIVE RELIGION, LEGEND AND LAW. By Sir James George Frazer. Macmillan & Co., London, New York, 1919. 3 Volumes. Price, \$15.

The method applied by Sir James Frazer with such brilliant success in the "Golden Bough" and other works on folk-lore is now brought to bear on the study of biblical antiquities with equally remarkable results. The author explains much of the mythology and primitive custom of the early Hebrew records by comparison with the folk-lore of many other peoples drawn from a wide range of sources. Even though it may be doubtful whether all mankind has sprung from one original Adam and Eve, human groups throughout the world bear testimony to their common humanity through the fact that under similar conditions they have reacted in pretty much the same way, developing similar customs and practices, superstitions and rules. The volume of illustrative material gathered by the painstaking author and arrayed with scholarly accuracy and scientific skill throws a veritable blaze of light upon Hebrew antiquities. It is with that portion of the work that purports to deal with legal matters that we are at present concerned. It is very difficult, if not impossible, to separate the legal from the non-legal portions of this work for the author is not dealing with laws but rather with practices and customs enforced mainly through the respect paid to established taboos, a sanction stronger than any fear of punishment which a law might impose. In the 6th chapter of the second volume, dealing with Jacob's marriage, the author discusses the marriage of cousins, the sororate, the levirate, age grades in marriage, and serving for a wife. The lines separating the legal and non-legal parts are here so blurred that the subject matter may be considered either under the one or the other heading. If this be law, it is law created neither by code nor statute nor judicial decision, but purely by custom, sanctioned by religion and enforced by public opinion. The greater part of the third volume is taken up with the consideration of what the author calls "the law." It is submitted that this is a misnomer, for there is practically no difference between the material gathered under this head and the material found in the other volumes. Only six of the biblical "laws" are considered: 1. Not to seethe the kid in its mother's milk. 2. Boring the servant's ear. 3. Cuttings for the dead. 4. The ordeal of the bitter water. 5. The ox that gored. 6. The golden bells. The author's contribution to the understanding of these curious rules, especially to the first two, is noteworthy. The lawyer cannot help regretting that Frazer's genius for comparative study had not been applied to the strictly legal portions of the Bible, the little codes imbedded here and there in its text, the scattered commandments to be found in nearly every part of the Pentateuch, the Ten Commandments and, generally speaking, the property and inheritance laws, the laws of marriage and divorce, the poor laws, the laws of damages and crimes. Excellent work in this field has been done by scholars of Continental Europe, but English-speaking scholars have as yet unfortunately neglected this field. Perhaps it is unjust to Sir James Frazer to criticise him for not having done such work and we should rather

accept with thankful appreciation his enormously valuable contribution to the study of comparative folklore. His work and his method will appeal especially to lawyers who will appreciate his objectivity of treatment. He makes no attempt at edification or at moralizing but marshals the evidence with great skill and lets it point to conclusions the correctness of which may be tested by each reader, for the entire volume of evidence, at times overwhelmingly solid, is laid before him. The work appeals also to our interest in the remote, the strange, the bizarre in human relations and to that higher sense which is able to correlate and coördinate all of these curious elements and find in them points of connection with the most modern rules and customs in life. It is a work that makes for breadth of vision and sympathy, and enlarges the horizon of thought. It is most cordially recommended as a book for the lawyer's leisure hour. He will find in it at one and the same time both mental relaxation and stimulus.

David Werner Amram.

IFUGAO LAW, by R. F. Barton. University of California Press, Berkeley, 1919. Pp. 127, plates 33. Price, \$2.

This is one of the publications of the University of California in American Archaeology and Ethnology, the work of one who lived for eight years among the Ifugaos of Northern Luzon, a tribe of barbarian head hunters. As a result of his experiences, the author doubts whether any society in existence affords as much happiness and true freedom as that of the Ifugaos. The experience of other primitive peoples is here repeated. As soon as they come into contact with what we fondly call our "higher" civilization, their ancient rules and customs, which produced harmony and stability, are broken down, and under the influence of our "higher" religion and law they become a degenerate people. It seems that if civilization has any purpose at all, it is not to promote peace and happiness among mankind, for everywhere civilization breeds discontent, unhappiness and strife.

The book before us is a volume of rich material covering the family law, property law, penal law and procedure in force among the Ifugaos. All is regulated through ancient custom developed precisely like our common law as the result of centuries of experience under which old rules are modified and superseded and new rules better adapted come into being. The Ifugao has not even the suggestion of political organization, yet he has a well developed system of laws under which he lives in comparative happiness without involving himself in serious trouble with his fellows. Tradition takes the place of records and not only is the entire body of law well known and preserved but even the pedigree of many of the people is known back to the tenth generation and even further, not only in the direct line but even among the collateral kinfolk. The author considers the Ifugao law to rank fairly with the biblical Hebrew law or with the Mohammedan law of a century ago. The marriage laws are quite elaborate, the divorce laws equally so. In addition to divorce by mutual agreement, the author cites fourteen grounds upon which either party may demand divorce from the other, some of which are worthy of our consideration, for example, insanity, continued laziness or shiftless conduct on the part of one of the spouses, unreasonable or insane jealousy, squandering of the family resources. The